**USDA regulations require that all participating agencies provide certification and information relating to publicly funded program participation by them and associated with by their principals through other agency involvement or employment.**

**Purpose:**

Congress passed a law in June 2002 mandating that the United States Department of Agriculture (USDA) make a number of changes to Program eligibility for participating agencies, including the publicly funded program reporting and certification requirement.

**Definitions:**

* **Publicly Funded Program:**

A publicly funded program is defined as any program funded whole or in part, by federal, state, or local (e.g. city, county, township etc.) government.

* **Principals:**

USDA regulations define “principals” as all CACFP related managers/supervisors and members of the agency’s governing board of directors or similar governing body, including owners and corporate officials of for-profit agencies.

*Principals must report their association with any publicly funded programs through their involvement in other organizations because of the connection between an agency’s performance and the people who manage and oversee it as a business entity.*

* **Business-related criminal convictions:**

Business-related criminal convictions include fraud, forgery, theft, making false statements, claims falsification, destruction of records, bribery, embezzlement, receiving stolen property, obstruction of justice, and antitrust violations. They do not include civil judgments or indictments not resulting in convictions.

**All agencies must provide the following within their CACFP contract and annual contract renewals:**

1. **A list of all public funding sources received by the agency and associated with by its principals through other agency involvement or employment for the preceding seven (7) years;**
2. **Certification attesting tothe suitable past performance and lack of business-related criminal convictions by its organization and its principals during the preceding seven (7) years.**

This includes certifying that the agency and none of its principals have been:

* Declared seriously deficient and/or terminated or disqualified from any USDA Child Nutrition Program;
* Disbarred and listed on the federal Excluded Parties List System (EPLS) for the mismanagement of any federal program;
* Disqualified from participation in any publicly funded program for violating its program requirements.

The agency must provide an explanation of the principal’s involvement for any of the items listed above, including if and when violation was resolved and/or disqualification/disbarment was removed.

1. **The names and birthdates of the following positions, as applicable to the agency’s business structure:**

**Chairperson or president of the agency’s board of directors; owners and/or corporate officials; executive director (or individuals in comparable positions); and managers/supervisors over the agency’s CACFP.**

DPI must check these individuals against USDA’s National Disqualified List before approving the agency’s initial contract as well as the annual contract renewal.

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| **Obtaining Publicly Funded Program Information for Principals:**The collection of publicly funded program information from its principals enables an agency to properly attest to its suitable past performance, as an organization and for its principals, within its annual CACFP contract on the *Records Information* page. **Instructions for Surveying Principals:**In order to uphold this certification and to comply with this reporting requirement, all agencies must annually survey its principals for any publicly funded program involvement for collecting the information specified in 1-3 above. * **Current principals must report any involvement during the prior year and new principals must report any involvement within the prior seven (7) years. *If the agency is new to CACFP participation, all of its principals are considered “new”.***

**This annual survey can be completed by an informal or formal method, verbal or written, for obtaining the required information.**Your agency may use the enclosed sample letter and survey form to collect information on publicly funded program participation and/or business-related criminal convictions from your principals. * **If using this letter and survey form, please complete and select the applicable terms within the gray highlighted sections.**

Retain the completed forms on file within your agency’s CACFP records. Do not submit these records to DPI, unless requested. |

**Link to the** [**USDA Nondiscrimination Statement and Complaint Filing Procedure**](https://dpi.wi.gov/sites/default/files/imce/community-nutrition/doc/non_discrimination_statement.docx)

This institution is an equal opportunity provider.

**Sample Agency Letter to Principals**

Dear [staff who manage and supervise our agency’s meal service (CACFP), our board members, executive director, owners, and/or corporate officials *(as applicable to your agency’s business structure)*],

You are receiving this memo and survey because you are a principal member of the [name of agency] as it relates to the participation requirements of the Child and Adult Care Food Program (CACFP). Our agency currently participates in the CACFP, which provides our agency with USDA federal funds, enabling us to serve more nutritious meals to our participants.

In order to receive funds from the CACFP, we must submit a contract that is then renewed each year. We must annually provide the following:

* A list of all federal, state, and local funding sources received by our agency and that our principals are associated with through other agency involvement or employment for the prior year. New principals must provide this information for the prior seven (7) years;
* Certification attesting to thesuitable past performance and lack of business-related criminal convictions by our agency, our staff who manage and supervise our meal service, and our [board members, executive director, owners, and/or corporate officials *(as applicable to your agency’s business structure)*];and
* The legal names and birthdates of our agency’s [chairperson, president, executive director, owners, and/or corporate officials *(as applicable to your agency’s business structure)*].

In order to adequately certify that we conform to these requirements, please complete and return the attached survey form to me at your earliest convenience.

Thank you for your prompt cooperation.

[Agency Representative]

**Sample Survey to Principals**

* **Current Principals: Complete this survey and report any publicly funded program involvement during the prior year.**
* **New Principals: Complete this survey and report any public funded program involvement during the prior seven (7) years.**

In the table below, list any other organization(s) and the name(s) of any publicly funding program(s) received, *if any*, you were involved with and/or was employed by as a supervisor or manager over its CACFP, a member of their governing board, the executive director, owner, and/or corporate official:

|  |  |
| --- | --- |
| **Name of Organization** | **Name of Publicly Funded Program** |
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**FOR EACH OF THE FOLLOWING STATEMENTS CIRCLE ONE BOLD ANSWER**:

* I **have/have not** been a principal in an organization participating in a publicly-funded program that has been ruled ineligible as a result of violating that program’s requirements during the past 7 years.
* I **have/have not** been declared seriously deficient in the operation of any USDA Child Nutrition Programs.
* I **am/am not** on the CACFP National Disqualified List.
	+ I was placed on the CACFP National Disqualified List on (enter date):\_\_\_\_\_\_\_\_\_\_\_\_\_
* **I have/have not** been convicted of a business-related offense during the past 7 years.
	+ - I **have/have not** been listed on the federal Excluded Parties List System (EPLS) for the mismanagement of any federal program.
* I was placed on the EPLS on (enter date): \_\_\_\_\_\_\_\_\_\_\_\_\_

**PLEASE CIRCLE EACH OF THE FOLLOWIGN STATEMENTS APPLICABLE TO YOU:**

**I currently hold the following position(s):**

* The chairperson or president of the governing board;
* The owner of a proprietary business;
* A corporate official of a corporation or a Limited Liability Corporation;
* The executive director, or comparable director of operations;
* Any other CACFP-related supervisory or management position within the organization.

**Full Legal Name:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Date of Birth:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Business Mailing Address:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Signature:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Any organization or individual that provides false information on this form will be subject to applicable civil or criminal penalties.*